

Amendments to the Claims

Applicants respectfully request the entry of new claims 27-31, which are supported by as-filed claims 20-25 and by the as-filed Specification, pages 6-10. An inadvertent error in dependency has been corrected in claim 20. None of the amendments made herein constitute the addition of new matter.

The Requirement for Restriction

The Patent Office has required restriction under 35 U.S.C. 121, alleging that the claims embody two patentably distinct inventions:

- I. Claims 1-19 and 26, drawn to a method to prepare alpha-viral replicon particles that encode 2 or more antigens, classified in class 435, subclass 320.1.
- II. Claims 20-25, drawn to a method to immunize a human or animal comprising the administration of alpha-viral replicon particles, classified in class 424, subclass 93.1

Applicants elect the claims of Group I (claims 1-19 and 26) with traverse. Applicants have presented new claims 27-31, which parallel the limitations of as-filed claims 20-25. Applicants respectfully urge that it would not constitute an undue burden to examine all of the pending claims in view of the relatedness of the subject matter. It is believed that a search for the methods and particles of the Group I claims would be likely to uncover information related to the methods of the claims of Group II. Applicants do not, however, admit that claims of one group are obvious over those of the other.

It is Applicants' understanding that no election of species is required for the Group I claims (as-filed claims 1-19 and 26), based on the voice mail message left by Examiner Kelly on August 9, 2006. If the situation has changed with the presentation of new claims 27-31 and the Examiner would now require

an election of species, Applicants elect the species wherein the plurality of antigens is derived from a melanoma cell. Claims of Group I which read on the elected species are claims 1-17, 26-27 and 31.

Conclusion

In view of the foregoing, it is submitted that this case is in condition for allowance, and passage to issuance is respectfully requested.

If there are any outstanding issues related to patentability, the courtesy of a telephone interview is requested, and the Examiner is invited to call to arrange a mutually convenient time.

This amendment is accompanied by a Petition for Extension of Time (one month) with authorization to charge the amount of \$120.00, as required under 37 C.F.R. 1.17 and \$250.00, as required by 37 C.F.R. 1.16 for the entry of five additional (dependent) claims over 20. It is believed that this response does not necessitate the payment of any additional fees under 37 C.F.R. 1.16-1.17. If the amount submitted is incorrect, however, please charge the necessary amount to Deposit Account No. 07-1969.

Respectfully submitted,

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